IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 117 OF 2006.

Pune Municipal Corporation & ors ... Applicants.
V/s.
Mr.Dnyankumar Vishwanath Deshmane... Respondent.

Mr.Ketkar with Mr. Pethe for the applicants.

CORAM : A.M. KHANWILKAR, J.

DATED : 21.7.2006.

P.C. :

. Heard Counsel for the Applicants.

2. I see no propriety in entertaining this application. No fault can be found with the view taken by the Court below that no evidence is forthcoming to substantiate the position that the flat in question was let out by the owner. The Court below in para 8 has recorded a finding that no officer of the respondent-Corporation who inspected the flat has given evidence before the Assessor & Collector of Taxes that the flat was occupied by students or tenants who were paying rent to the respondent-Corporation. With this finding, the view taken by the Court below is a possible view. If it is so, no case for exercise of revisional jurisdiction is made out. To get over this position, Counsel for the applicant submits that

this Court may consider prayer for remanding the matter to the lower Court so that an opportunity can be given to the applicant to adduce necessary evidence to substantiate the position stated by the Assessing Officer. It is not possible to entertain this request for the first time in revisional jurisdiction, that too without formal application giving permissible grounds for showing such indulgence. That prayer will have to be stated to be rejected. It is needless to observe that dismissal of this revision application will not come in the way of the applicants to carry out revised assessments in accordance with law.

(A.M. KHANWILKAR, J.)